

Article 19. NONCONFORMING SITUATIONS

Section 19-1: General

Upon the effective date of this Ordinance, and any amendment thereto, pre-existing structures or lots of record and existing and lawful uses of any building or land which do not meet the minimum requirements of this Ordinance for the district in which they are located or which would be prohibited as new development in the district in which they are located shall be considered as nonconforming. It is the intent of this Ordinance to permit these nonconforming uses, structures, and lots to continue until they are removed, discontinued, dilapidated, or destroyed, and to prohibit the expansion of any non-conformance. Variances will not be granted for any nonconforming lot, structure or use, except as set forth in Section 19-2(B).

Section 19-2: Substandard Lots of Record and Structures

Any lot of record or structure existing at the time of the adoption of this Ordinance, which has dimensions which do not meet the requirements of this Ordinance, shall be subject to the following exceptions and modifications.

- (A) *Adjoining Lots.* When two or more adjoining lots with continuous frontage, where no more than one is developed, are in one ownership at any time after the adoption of this Ordinance, and such lots individually are less than the minimum square footage and/or have less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted area and width for the district in which located.
- (B) *Lot Not Meeting Minimum Lot Size Requirements.* Except as set forth in the above, in any district in which single family dwellings are permitted, any lot of record existing at the time of the adoption of these regulations which has dimensions which are less than required by these regulations may be used as a building site for a single-family dwelling with related accessory buildings, provided that the lot area and width are not less than eighty (80) percent of the requirements in the district. If the lot is smaller or narrower, a variance may be requested of the Board of Adjustment, but in no case shall the Board reduce the requirements by more than forty (40) percent. If a lot of record existing at the time of adoption of these regulations in a district other than residential, has dimensions which are less than required by these regulations, a variance may be requested from the Board of Adjustment, but in no case shall the Board reduce the requirements by more than thirty (30) percent.
- (C) *Enlargement of Nonconforming Structures.* Any building or structure which is nonconforming solely because of its encroachment in a required yard area may be extended in any lawful manner that does not further encroach in that yard.

(D) *Subdivision of Corner Lot with Two Single Family Dwellings but Insufficient Lot Area.* When there exists a corner lot with two existing single-family dwellings located upon it, each fronting and having access to a different public street, and the subdivision of the lot into two lots with one dwelling unit on each meets all applicable requirements except that the required lot areas cannot be met, then the subdivision shall be permitted so long as the two new lots contain no less than sixty-five (65) percent the lot area required by the applicable zoning district.*

Section 19-3: Nonconforming Uses of Buildings

(A) *Loss of Nonconforming Status.* The nonconforming use of a building may be extended throughout the building provided no structural alterations (except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building) are made therein but no such use shall be extended to occupy any land outside the building. If the nonconforming use of such building is discontinued for a continuous period exceeding three hundred sixty (360) days, every future use of such premises shall be in conformity with the provisions of this Ordinance.

(B) *Restoration After Destruction or Dilapidation.* This provision shall not prevent the restoration of a nonconforming building, or a building used for a nonconforming use, which has been destroyed or dilapidated to the extent of not more than fifty (50) percent of its current value, but only if such building is restored within one (1) year of the date of its destruction or dilapidation.

(C) *Expansion of Nonconforming Single Family Dwellings.* A nonconforming single-family dwelling may be enlarged to the extent that no more than two separate additions may increase the structures gross floor area by no more than twenty (20) percent. This provision shall not be applicable to nonconforming Manufactured Homes.**

Section 19-4: Nonconforming Uses of Land

The nonconforming use of land shall not be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this Ordinance. If any nonconforming use of land, other than for location of a manufactured home or manufactured office, is discontinued for a continuous period exceeding one hundred twenty (120) days, any future use of said land shall be in conformity with the provisions of this Ordinance.

If the nonconforming use of land for location of a manufactured home or manufactured office is discontinued, either by destruction or dilapidation of the manufactured home or office, or by removal thereof, any further use of said land shall be in conformity with the provisions of this Ordinance.